

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RUBY FREEMAN and WANDREA MOSS,

Plaintiffs,

v.

JAMES HOFT, JOSEPH HOFT, and TGP
COMMUNICATIONS LLC d/b/a THE
GATEWAY PUNDIT,

Defendants.

Case No. 4:21-CV-1424-HEA

**MOTION FOR EXTENSION OF TIME
TO RESPOND TO COMPLAINT AND
MOTION FOR REMAND**

Defendants James Hoft, Joseph Hoft, and TGP Communications, LLC, d/b/a The Gateway Pundit, pursuant to Fed. R. Civ. P. 6 and Local Rule 1.05, respectfully request this Honorable Court extend their deadline to respond to the Petition (ECF No. 1-2) and the pending Motion to Remand (ECF No. 13). Plaintiffs Ruby Freeman and Wandrea Moss agree that Defendants should not be required to respond to the original petition, but rather should respond to the forthcoming amended complaint within the time prescribed by the rules. Defendants, however, seek a more efficient extension due to the interplay of the pending motion to remand. In support hereof, Defendants state as follows:

- 1) On December 2, 2021, Plaintiffs filed their 70-page Petition (the state court equivalent of a complaint) against Defendants, claiming they were defamed and subjected to intentional infliction of emotional distress on account of certain alleged articles appearing on *The Gateway Pundit*.
- 2) On December 5, 2021, Defendant Joseph Hoft removed the Petition to this Court pursuant to 28 U.S.C. §§ 1332 & 1441. (ECF No. 1 at ¶ 1).
- 3) On December 16, 2021, Plaintiffs filed a motion to remand (ECF No. 13).

- 4) As it currently stands, according to the docket, Defendants James Hoft and TGP Communications must answer the petition or move to dismiss on or before December 27, 2021, and Defendant Joseph Hoft must do so on or before January 4, 2022.
- 5) Similarly, per Local Rule 4.01(B), Defendants' response to the motion to remand is due December 30, 2021.
- 6) Plaintiffs have advised Defendants that they intend to file an amended complaint in this manner.

Defendants ask that the Court extend the deadline to respond to the operative complaint until 14 days after adjudication of the motion to remand and that they be granted an extension of 14 days, until January 13, 2022, to respond to the motion to remand. Good cause exists for these extensions.

Defendants anticipate filing a motion to dismiss, in whole or in part, of the operative complaint. It makes little sense to file such a dispositive motion in this Court, with invocation of relevant Federal case citations, if the matter is to be remanded to State court, where different citations would be required. Similarly, if Plaintiffs are to file an amended complaint, it would moot the original petition and necessitate a second motion to dismiss.

As to the deadline to respond to the motion to remand, the filing of an amended complaint may affect some of the arguments raised in support of remand. Further, Defendants recently retained *pro hac vice* counsel who is familiarizing himself with the fact-specific issues around the citizenship of Joseph Hoft. Due to the holiday season timing of these filings and the attendant plans of counsel and staff, an additional 14 days is required.

WHEREFORE Defendants respectfully request this Honorable Court extend the deadlines as set forth above.

Dated: December 28, 2021.

Respectfully Submitted,

/s/ John C. Burns

Marc J. Randazza (*pro hac vice forthcoming*)
RANDAZZA LEGAL GROUP, PLLC
2764 Lake Sahara Drive, Suite 109
Las Vegas, Nevada 89117
Tel: (702) 420-2001
Email: ecf@randazza.com

John C. Burns, MBE# 66462
Burns Law Firm
P.O. Box 191250
Saint Louis, MO 63119
Phone: 314-329-5040
Fax: 314-282-8136
Email: TBLF@pm.me

Attorneys for Defendants,
James Hoft, Joseph Hoft, And TGP Communications
LLC D/B/A The Gateway Pundit.

Case No. 4:21-CV-1424-HEA

CERTIFICATE OF SERVICE

I hereby certify that, on this 28th day of December, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

/s/ John C. Burns

John C. Burns

RANDAZZA | LEGAL GROUP